

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CRIMINAL APPLICATION No 152 of 1997

For Approval and Signature:

Hon'ble MR.JUSTICE M.S.PARIKH

=====

1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

SHANKARJI DAPUJI PARMAR

Versus

STATE OF GUJARAT

Appearance:

MS SUBHADRA G PATEL for Petitioner

MR ND GOHIL, LD. APP for Respondent Nos.

CORAM : MR.JUSTICE M.S.PARIKH

Date of decision: 25/02/97

ORAL JUDGEMENT

Rule. Service of rule waived by Mr. N.D. Gohil,
Ld.A.P.P. for the respondents.

2. Heard. In similar circumstances and for a similar prayer regarding parole on the ground of filing appropriate appeal/petition before the Hon'ble Supreme Court, following order was passed on 6/11/1996 in Special

"The prisoner is asking for a parole on the ground that he wants to approach the Supreme Court, by taking out the necessary Special Leave Petition and that too, at the hands of Counsel of his own choice. The petitioner-prisoner says that this can be done only if the parole is granted and he is able to make the necessary arrangement for the funds. The prisoner is asking for something which has been recognised under the Constitution. Refusing the parole would prevent the prisoner from having recourse to the Highest forum of the country. In view of this, it appears that, the purpose would be served if the parole is granted for two weeks. I order accordingly. The prisoner should be released on parole for a period of two weeks, to be counted from the actual release of prisoner. He shall deposit an amount of Rs.500/- (Rupees Five hundred only) with the Jail authorities. Rule is made absolute accordingly. Direct service is permitted."

3. In the facts of the present case and bearing in mind the submission that other co-accused has been absconding, following direction is required to be issued:-

The concerned authority of the respondents will re-consider the petitioner's prayer for grant of parole on appropriate terms and conditions bearing in mind the aforesaid decision of this Court. Decision on such reconsideration shall be taken within a period of two weeks from the date of receipt of writ of this direction. Rule made absolute in the aforesaid terms.

* * * * *